

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ADMINISTRATORS
INC.,

Plaintiff,

v.

ROSS ISLAND SAND & GRAVEL
CO., an Oregon corporation,

Defendant.

CASE NO. C17-622RAJ

ORDER

This matter comes before the Court on Plaintiff's motion for default judgment. Dkt. # 8. The Court **GRANTS** the motion and directs the clerk to enter default judgment as directed at the conclusion of this order.

The Court's role in reviewing a motion for default judgment is not ministerial. It must accept all well-pleaded allegations of the complaint as fact, except facts related to the amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987). Where those facts establish a defendant's liability, the Court has discretion, not an obligation, to enter a default judgment. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980); *Alan Neuman Productions, Inc. v. Albright*, 862 F.2d 1388, 1392 (9th

1 Cir. 1988). The plaintiff must submit evidence supporting a claim for a particular sum of
2 damages. *TeleVideo Sys.*, 826 F.2d at 917-18; *see also* Fed. R. Civ. P. 55(b)(2)(B). If the
3 plaintiff cannot prove that the sum it seeks is “a liquidated sum or capable of
4 mathematical calculation,” the Court must hold a hearing or otherwise ensure that the
5 damage award is appropriate. *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir. 1981).

6 Plaintiff is the authorized administrative agent for and assignee of the Western
7 Conference of Teamsters Pension Trust Fund. The evidence it has presented establishes
8 that Defendant was delinquent in its monthly contributions to the fund. The evidence
9 demonstrates that the amount of liability for the delinquency is \$8,347.56, plus liquidated
10 damages in the amount of \$1,789.06, and interest in the amount of \$117.14.

11 In addition, Plaintiff requests attorney fees and costs. Although Plaintiff’s
12 evidence of attorney fees includes the hourly fees of non-attorneys, Plaintiff has
13 established that its counsel does not incorporate non-attorney work into his hourly rate,
14 and has established that counsel actually bills Plaintiff for the work of non-attorneys.
15 Dkt. # 8 at 5-6. In accordance with *Trustees of the Const. Indus. & Laborers Health &*
16 *Welfare Trust v. Redland Ins. Co.*, 460 F.3d 1253, 1256-57 (9th Cir. 2006), the Court
17 awards the hourly fees of both Plaintiff’s counsel and counsel’s hourly-billing support
18 staff. The Court finds that Plaintiff’s evidence supports an attorney fee award of \$725.95
19 and costs of \$449.50.

20 The clerk shall enter default judgment in accordance with this order.

21 Dated this 28th day of June, 2017.

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25 The Honorable Richard A. Jones
26 United States District Judge
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